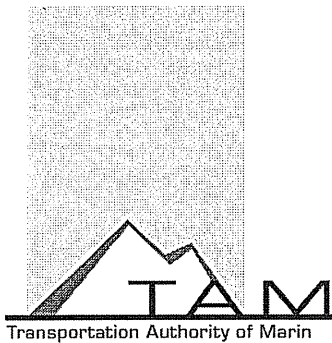


MEETING OF THE  
TRANSPORTATION AUTHORITY OF MARIN  
TAM

NOVEMBER 19, 2009  
7:00 PM

ROOM 330  
MARIN COUNTY CIVIC CENTER  
3501 CIVIC CENTER DRIVE  
SAN RAFAEL, CALIFORNIA



**MEETING MINUTES**

**Members Present:**

Steve Kinsey, Chair, Marin County Board of Supervisors  
Al Boro, Vice Chair, City of San Rafael  
Judy Arnold, Marin County Board of Supervisors  
Peter Breen, San Anselmo Town Council  
Sandra Donnell, Belvedere City Council  
Joan Lundstrom, Larkspur City Council  
Charles McGlashan, Marin County Board of Supervisors  
Michael Skall, Ross Town Council  
Hal Brown, Marin County Board of Supervisors  
Alexandra Cock, Town of Corte Madera  
Madeline Kellner, City of Novato  
Stephanie Moulton-Peters, Mill Valley City Council

**Members Absent:**

Susan Adams, Marin County Board of Supervisors  
Alice Fredericks, Tiburon Town Council  
Lew Tremaine, Town of Fairfax  
Herb Weiner, Sausalito City Council

**Staff Members Present**

Dianne Steinhauser, TAM Executive Director  
David Chan, TAM Manager of Programming and Legislation  
Dan Cherrier, TAM Project Delivery Manager  
Bill Whitney, TAM Project Delivery Manager  
Li Zhang, TAM Manager of Finance and Administration  
Karita Zimmerman, TAM Planning Manager  
Denise Merleno, Recording Secretary

**1. Convene in Open Session**

Chair Kinsey called the Transportation Authority of Marin Meeting to order at 7:07 p.m. The Board immediately adjourned to Closed Session.

**2. Convene in Closed Session**

Conference with Legal Counsel on the topic of Existing Litigation California  
Government Code Section 54956.9(a) Name of Case: Transportation Solutions Defense and  
Education Fund vs. Caltrans et al.

### **3. Reconvene in Open Session**

The Board reconvened in Open Session at 7:46 p.m. with all members present as indicated.

Chair Kinsey indicated there was nothing to report from the Closed Session.

### **4. Chair's Report (Discussion)**

Chair Kinsey noted that on the Consent Calendar was the renewal of the State Legislative Contract with Shaw Yoder (Item 8f), and the subcommittee had met with Shaw Yoder to discuss how the service could be improved. Present at the meeting, Josh Shaw expressed appreciation to the Board for the opportunity to continue working with TAM.

Chair Kinsey also announced that MTC has been managing the ARRA funds in view of the various deadlines that need to be met, one of which is in December; and because some jurisdictions will not meet that deadline there could be additional funds available for those that have fully-developed project plans. He noted a ready-to-go County road project that TAM was supporting in receiving funds.

### **5. Commissioner Matters not on the Agenda (Discussion)**

None.

### **6. Executive Director's Report – EDR (Discussion)**

ED Dianne Steinhauser commented on recent reports regarding the State budget. She noted that there could be impacts on transportation funding, due to existing budget shortfalls, and the likely need to redirect funds to the General Fund shortfall.

ED Steinhauser reported that the TAM HOT lane study is going forward, and she thanked the Citizens' Oversight Committee for their assistance in testing a survey from our consultant team, assisting in the development of that survey for broader public outreach.

She also discussed the recent, successful Climate Change Fantasy Camp, as well as the possibility of having future similar educational opportunities on subjects like transit-oriented development and other topics. She briefly commented on upcoming electric vehicle grant opportunities offered both through the Air District and the state's AB 118 grant program.

ED Steinhauser briefly mentioned the need for an adhoc subcommittee to study SB 83, which allow County transportation agencies such as TAM to take to the public an option for an increase up to \$10 in the vehicle license fee. The legislation signed by Governor Schwarzenegger on October 11<sup>th</sup> requires an expenditure plan be adopted by TAM that directs use of the fee, and that voters approve the fee by a majority vote only. She noted that a brief history of the vehicle license fee in California was included in the Board packet.

Finally, she mentioned an activity summary chart included in the Board's packet regarding sustainable community strategies and the plan developed by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) for reaching the goals of SB 375.

ED Steinhauser briefly updated the Board on the Central Marin Ferry Connection Project and the joint plan with SMART for building it.

She also invited the Board to the TAM staff Christmas party scheduled for December 11<sup>th</sup>.

ED Steinhauser also noted there is a request for several TAM action items necessary for action in December. Rather than an Executive Committee meeting in December, staff prefers to have a short TAM Board meeting on December 17<sup>th</sup> because there are several financial items that should be considered by the Board.

Chair Kinsey said he thought a December 17<sup>th</sup> Board meeting in lieu of an Executive Committee meeting would be appropriate.

In response to a question from another Board member, ED Steinhauser acknowledged that Item 8f would need to be changed, since the current recommendation is to take it to the Executive Committee in December.

David Schonbrunn, commented on a piece of the VLF history that was missing from the Executive Director's report – that being the recall of the previous governor just as the VLF was about to go back to its previous state. He expressed that the subsequent action by the state legislature was done reluctantly, and it has been the primary reason for the state budget deficit since that time.

## **7. Commissioner Reports**

### **a. Executive Committee**

In the absence of Commissioner Fredericks, Commissioner Breen suggested that the items he would be reporting on tonight are in the packet and, consequently in the interest of time, he would forego reading the report. He did note that in Item 8h, the recommendation should be changed to "accept" from "adopt."

ED Steinhauser added that there may be excess funds available from the STIP project planned for next year, the landscaping of Hwy 101 through the Gap Closure, and the money can be reprogrammed. She noted that staff was engaged in a Call for Projects for the STIP funds, and this matter is another item for the December meeting.

Commissioner Arnold asked whether Doyle Drive was involved in either the project that will have funds left over or the project that will benefit from the savings. ED Steinhauser clarified that the extra funds being applied to Doyle Drive were from a project for bus stop improvements in Novato that was downsized. The other anticipated STIP savings will result from the Hwy. 101 landscaping project.

In response to a question from Commissioner Breen on criteria to qualify for this funding, ED Steinhauser reviewed the criteria and process for STIP funds.

### **b. SMART**

Commissioner Boro reported that the board met yesterday and approved a contract for design work on three bridges.

Commissioner McGlashan reported that it will seek to obtain approximately \$10 million funding through ISTE (Intermodal Surface Transportation Efficiency Act) for trackway improvements. He also indicated that the SMART Board presented Director Breen with a resolution of appreciation for his years of service to SMART.

**8. Consent Calendar (Action)**

- a. **Approval of Minutes from October 22, 2009 Meeting**
- b. **Acceptance of Citizens' Oversight Committee FY2008-09 Annual Report**
- c. **Executive Director Performance Goal Results and Compensation Recommendations**
- d. **Adopt Project Priorities for 2010 STIP Funds**
- e. **Approve State Legislative Contract**
- f. **Authorize the Executive Committee to Award Contract for Crossing Guards Site Evaluation**
- g. **Programming of Additional Lifeline Transportation Program Funds**
- h. **Crossing Guard Program Evaluation**
- i. **Authorize Executive Director to Seek Funding from Caltrans for Cost Increases on Gap Closure Segment 3 Project**
- j. **Construction Management Oversight Services – Vali Cooper Contract Amendment No. 2**
- k. **Project Management Assistance Services – PDM Group Contract Amendment No. 4**
- l. **Extension of Nolte Contract**

Chair Kinsey reiterated that Item 8f was being withdrawn, and that language in the recommendation portion of Item 8h was changed from "adopt the evaluation" to "accept the evaluation."

Commissioner Arnold indicated she would be abstaining from Item 8c because she was not present at the Executive Committee meeting when the evaluation took place. She expressed confidence in and appreciation for the job being done by the Executive Director. She also commented on how fortunate the Board was to be able to increase the compensation to the Executive Director, especially in these economic times.

Vice-Chair Boro clarified comments he made at the last meeting, reflected on page 5 of the minutes, noting that he mis-spoke; the contract for SMART station planning has not yet been awarded but will be in December.

Commissioner Brown asked that Item 8h be pulled for brief discussion.

Commissioner Breen moved to approve the Consent Calendar minus Items 8f and 8h, and with Commissioner Arnold abstaining on Item 8c. Commissioner Lundstrom seconded the motion, and the motion carried.

**h. Crossing Guard Program Evaluation**

Commissioner Brown asked ED Steinhauser to do everything possible to increase funding for the crossing guard program, because he is confident that adding more crossing guards will increase the number of parents who are willing to let their children walk to school. ED Steinhauser acknowledged that the agency has received more requests for crossing guards than it has the funds available. She indicated they would continue to seek funding opportunities in order to allow the program to be

expanded to the greatest extent possible, but she also commented on the importance of completing the evaluation of the existing program at the same time. She thanked Commissioner Brown and his organization for being willing to share in the funding.

Commissioner Brown moved, and Commissioner Arnold seconded the motion to accept the Crossing Guard Program evaluation. The motion carried.

## **9. Caltrans Report**

ED Steinhauser indicated there was no representative from Caltrans present, but there was a written report included in the Supplemental packet. She highlighted the content of the report, especially the approval of the Final EIS for the Marin Sonoma Narrows.

Scott Stokes gave a traffic report, noting the usual hotspot at the top of Puerto Suello Hill. He again urged the Board to take some action to improve traffic congestion in the area. He also cited a report on bike lanes in the Marin Independent Journal, and he discussed inadequacies with the sound walls along the freeway.

Andy Peri, Marin County Bicycle Coalition, reiterated the organization's previous request that Caltrans also report on all bicycle/pedestrian projects. He asked the Board to require it of Caltrans because of safety issues. Regarding the Lincoln Hill pathway, he asked that TAM make sure that completion of the project remains a priority. Finally, he asked for help in requiring a specific form of striping on multi-use pathways, specifically the Lincoln Hill path.

Chair Kinsey confirmed with ED Steinhauser that she would pass on the comments regarding multi-use paths.

### **b. Allocation of Gap Capital Funding to Highway 101 Gap Closure Puerto Suello Hill Segment 4**

ED Steinhauser introduced this discussion item, indicating the reason for bringing the item to the Board was due to an unresolved disagreement between SMART and Caltrans on the Puerto Suello Hill project. She began the presentation by discussing the history of the project and then introduced Connie Fremier, the project manager.

Connie Fremier reviewed current issues with the railroad conform sections at the north and south ends, where the newly relocated railroad alignment must conform to the existing railroad. The full rail cross section along with drainage and a maintenance pathway is challenging to achieve at the conform, because there is not enough room due to narrowing.

TAM staff is securing an independent engineering consultant with rail experience to assist in negotiating a solution.

ED Steinhauser noted that the proposed strategies represent a compromise solution between Caltrans and SMART, both of which are trying to meet the needs of their respective agencies. Staff will be recommending a solution and cost in December. TAM must identify and as necessary, approve funding for the solution as the project has no funding remaining for this fix. She concluded the report by reviewing funding sources and the pros and cons of each.

Chair Kinsey commented on the important role of mediator that TAM is filling. He noted that this is one of the items for the Board to discuss and take action on at the December meeting.

Commissioner Breen questioned the reference in the report to "the additional \$400,000" needed, since at this point the exact cost is unknown. He also asked about the possibility of using the extra STIP money. ED Steinhauser responded that the STIP money is for reprogramming for next year, whereas this funding needs to be cash available now. She noted that Consent Item 8i relates to funding for the cost overages on Segment 3 of the project, which is unrelated to this current item.

In response to a comment from Commissioner Arnold, ED Steinhauser noted that the \$400,000 estimate is specifically for the likely fix, both rail construction, pathways and drainage for the north end of the project. The slope treatment is paid for with project funds. She acknowledged that the exact cost is unknown, but TAM is seeking the most cost-effective solution to the problem.

Commissioner Arnold asked about Caltrans' responsibility to provide the drainage and pathways. ED Steinhauser briefly commented on the difference between what was approved in the project, and what was not anticipated when the project was devised and the agreement signed.

David Schonbrunn, TRANSDEF, noted he had been aware of this issue from the beginning, noting that his organization had been prepared to file a lawsuit against the bridge district because of safety issues, and Caltrans had agreed to provide a 30' right-of-way, as evidenced by the EIR. He expressed strongly that Caltrans should be responsible for fixing the problem.

Bill Gamlen, Senior Rail Engineer with SMART, thanked the Executive Director for stepping in and hiring a consultant to try to resolve the situation, noting the issue was first raised over a year ago. He clarified the issue of concern to SMART – that slope stability, drainage and the walkways are elements that were included in the original documents and should be included in the final design. He noted that the proposed solutions were given to SMART in a recent meeting, and SMART hopes to get back to TAM early next week. He noted that the right-of-way width at the north end has not been sacrificed but it's the usable space that is an issue.

Chair Kinsey expressed hope that an affordable, amicable solution can be reached among the parties.

#### **10. Consideration of SB 83 – Option for Vehicle License Fee Increase**

ED Steinhauser reported on the approval of this bill by the governor, noting that it allows for a vehicle license fee increase of up to \$10 assessed by each county individually, with the requirements, 1) that there be a nexus between the payers and the use of the fees, 2) that it be approved by a majority of the members of the transportation board in the county, and 3) that it be approved by a majority vote of the public. She noted that staff recommends the formation of a temporary adhoc subcommittee of the Board to consider the possibility and process for such a fee in Marin County, as well as the launching of a proposal to the consultant community for their assistance in the process. She indicated that if the Board is in agreement, the subcommittee would work with staff to develop a proposal to be brought back to the Board in January.

Chair Kinsey acknowledged that funding for transportation projects is needed at this time, however, he also commented on the need to be sensitive to the impact of the economy on the general public. He reiterated that the subcommittee would not be proposing how the funds would be spent, but simply recommending for/against the fee and the process to be followed.

Commissioner Kellner moved to establish the subcommittee as recommended by the Chair. Commissioner Boro seconded the motion.

Andy Peri, Marin County Bicycle Coalition, asked that any recommendation include the flexibility to allow the use of the funds to be applied toward bike/ped projects, within the guidelines of SB 83. He also indicated that the Bicycle Coalition would also like to be included in the subsequent public process, since bike/ped projects would meet the public benefit requirements as specified in SB 83.

Chair Kinsey called the question, and the Board unanimously approved the motion. He asked that any Commissioners interested in serving on the subcommittee let him or ED Steinhauser know.

#### **11. Hwy 101 Greenbrae/Twin Cities Corridor Improvements – Status Update and Recommendations for the Environmental Scoping Phase**

ED Steinhauser introduced the project manager, Bill Whitney, one of the team members in developing the project scope, cost and schedule, David Parisi of Parisi & Associates, and Lee Taubeneck, Deputy Director of Caltrans.

Mr. Whitney announced the beginning of the EIR process, specifically the scoping phase, with the Department of Transportation as lead agency and a 75-day public review/comment period. He briefly reviewed the project area, the development history of the corridor, points of interest, and existing conditions.

Mr. Parisi continued the presentation with a discussion of traffic volumes, safety issues, and potential bicycle, pedestrian & transit improvements.

Mr. Whitney briefly discussed the project alternatives under consideration, key issues and public input regarding the design alternatives. He focused on (1) the Northbound Option E – the Wornum Braid (the locally preferred alternative), (2) Southbound Option C – the Lucky/Fifer Braid and the Sir Francis Drake/Fifer onramp, and (3) the Tamalpais interchange with frontage roads to Madera. He also summarized alternatives considered and rejected. He concluded by reviewing environmental resources to be assessed, and comments received thus far.

ED Steinhauser noted that the resolution from the Town of Corte Madera (mentioned by Mr. Whitney) also included a request to study of two alternatives to be included in the environmental document: 1) the connection from 580 WB to SB 101 and 2) the addition of a class 1 bike path along the old railroad right-of-way that lies east of the marsh; both of which are outside of the scope of the EIR.

Commissioner Lundstrom commended TAM staff, Mr. Whitney and Mr. Parisi for their work on this complex project. She acknowledged the safety issues that needed to be addressed along with the traffic congestion; she reminded everyone that this is a Caltrans project, and she was appreciative of the input that TAM has arranged for the cities to have. She also noted that the two communities most affected are in agreement of the design alternative they prefer for the northbound option.

Commissioner Cock echoed the sentiments of Commissioner Lundstrom, but she reiterated the town of Corte Madera's concerns with the potential closing of the Madera offramp, as mentioned by ED Steinhauser. She stated that her Town has maintained the position that they will not support any option that includes the closing of the Madera Avenue onramp. She added that the Town is supportive of the northbound Option E.

Chair Kinsey also expressed appreciation for the efforts to listen and develop the best alternative. He acknowledged the seeming impasse between Corte Madera and Caltrans regarding the closing of the Madera offramp. He suggested that the Board find and express support for the areas where the members can find consensus, and specifically revising the scope of the project to limit the southbound border of this project to Wornum Drive. The Board should also support Option E northbound. He suggested leaving the two new study areas raised by Corte Madera out of the Board recommendation, the study of a westbound 580 to Southbound 101 connector, as well as the bike/ped path extended to the vicinity of the Corte Madera village property, since that is SMART property and there is no current support from SMART regarding that possibility. He noted that Corte Madera and SMART would need to deal with this area as they see fit.

Vice Chair Boro commented on Alternative 7 related to the direct connection from I-580 WB to 101 SB, noting the ramp would be at least 60' high, and San Rafael is completely opposed to that. He agreed with Chair Kinsey's recommendation.

David Schonbrunn, TRANSDEF, noted that one of the slides (no. 5) showing accident averages is fundamentally wrong in its approach. He urged that the project focus on finding where the problems are and then fix them. He also expressed concern that transportation engineering overall assumes that the future projections will be similar to the current situation, ignoring the fact that because of climate change and peak oil, gasoline will no longer be an affordable option. He expressed his opinion that in the future there will be less car travel and more use of alternative transportation, and he thought TAM should take the lead in planning for that in the future. He also raised the possibility of locating a bus facility on Sir Francis Drake, to allow transfer of passengers from north-south routes to east-west routes.

Andy Peri, Marin County Bicycle Coalition, expressed appreciation for the community process thus far and consideration of the issues raised by the Coalition. He urged Caltrans to let context-sensitive solutions drive the design process.

Stan Hoffman, Town Centre Corte Madera, thanked Chair Kinsey for his thoughtful and intelligent comments regarding the closing of Madera Boulevard. He noted that the Town Council has been opposed to that option from the beginning, as well as the community.

Mr. Taubeneck, Caltrans, clarified that the slides in the presentation showing the differences over the years from 1960 to the present demonstrate that the traffic issues are not just based on local needs, but also the needs of people from throughout the Bay Area. He noted that the existence of multiple on and offramps in such close proximity is a non-standard feature, and the possibility of closing or relocating some of those ramps has to be practically considered, especially because changing the southbound limit of the project could affect funding from the federal government. He was appreciative to TAM for their partnership with Caltrans, but he pointed out that TAM is the one who accepted the Regional Measure 2 funding, and that other funding sources are limited.

Chair Kinsey acknowledged there is a balance between the federal and state responsibilities and the local interests. He asked how Mr. Taubeneck would see value in continuing to press forward with the part of the proposal that has such strong local resistance. Mr. Taubeneck noted that Caltrans and TAM could face future liability if the current unsafe conditions are allowed to continue. He also clarified that the environmental process should address all reasonable alternative proposals prior to eliminating any of them.



Chair Kinsey responded that the project has limits on what can ultimately be built, due to concerns of the locals, and the limits of available funding, regardless of where they are set. Adjusting the project boundaries to end before the Madera on/off ramp could allow the project to move forward and address major safety/traffic issues. Mr. Taubeneck agreed, but he reiterated that his experience shows that the federal government looks for reasonable and logical termini, and he thought including Madera Boulevard met those standards.

Commissioner McGlashan asked ED Steinhauser whether legal counsel should be consulted before the Board makes its decision. ED Steinhauser expressed concern about proceeding with a project expending public funds with a component that is unacceptable to the local jurisdiction with statutory authority that allows them authority over the ramps under consideration. She indicated she would like to continue to work with Caltrans to try to resolve the issue rather than eliminating the southbound improvements altogether.

Chair Kinsey reviewed the recommendations presented in the staff report: that the TAM Board take the following actions relative to the environmental scoping phase: 1) Confirm and consider modifying previous actions of the TAM Board that adopts the conclusion of the Context Sensitive Design efforts, 2) Accept scoping comments from the City of Larkspur and the Town of Corte Madera, and 3) Provide direction to Caltrans on the scope of the environmental document alternatives in response to comments received from the Town of Corte Madera and City of Larkspur. He reiterated his earlier suggestion that TAM limit the project area so that it does not include the Madera offramp, so there is consensus among the jurisdictions.

Commissioner Lundstrom moved that the TAM Board 1) confirm and consider modifying previous actions of the TAM Board that adopts the conclusion of the Context Sensitive Design efforts, 2) accept scoping comments from the City of Larkspur and the Town of Corte Madera, and 3) recommend that Caltrans limit the project area of the southbound project to Wornum Drive and maintain the northbound project alternative E. She expressed also that she thought this action would set good precedent for the local government making its wishes known plus the local government having final say in what on/off ramps can be closed. Vice Chair Boro seconded the motion, and the motion carried unanimously.

## **12. Safe Routes to Schools and Street Smarts Program Update**

David Parisi presented the staff report on the Safe Routes program, reviewing the infrastructure and recent funding awards, the Street Smarts Marin program, targeted education programs and survey results.

Wendi Kallins continued the presentation, discussing the Green Ways to School program, climate change education and encouragement programs.

ED Steinhauser noted how important it is for reaching local and regional climate change goals, to support the school access programs. She went on to say that while it could be very difficult to add 800 housing units near transit in Marin, these types of programs can be easily implemented in response to climate change needs, and each year's success can be built upon in later years. She commended the team for being so diligent in seeking and finding grant opportunities.

Commissioner Moulton-Peters commended staff for the presentation and for the implementation of the program, noting that the Street Smart signage was especially effective in her area. She expressed concern about the potential loss of Street Smart funding midway through the education process. She

asked what are the expenses associated, and Mr. Parisi reviewed the costs and particularly commented on the cost of expanding the programs.

Ms. Kallins expressed appreciation for the work done by Commissioner Moulton-Peters as the Chair of the Mill Valley task force and a former team leader. She also acknowledged the work of Commissioner Lundstrom in developing a working group in Larkspur, and Commissioner Breen in helping to move the program forward in San Anselmo.

Chair Kinsey commented on the success of the Safe Routes program and the Marin Horizons project from a public works perspective. He also discussed the success of the Board in meeting in Closed Session to discuss legal issues associated with the Street Smarts program as well as an opinion from County Counsel who questions the legality of this program. He mentioned that public works had raised issues regarding the travel plan process.

ED Steinhauser noted that TAM has been aware of the issues on travel plans raised by Chair Kinsey and has offered to assist the county's work on concept plans in the form of engineering support dollars and assistance with the development of grant proposals. She noted there are some discrete projects on their list that won't trigger the extensive level of environmental and other constraining issues. She supported continued discussions with the county to address the travel plan needs on county roads.

### **13. Open time for items not on the agenda**

Commissioner Lundstrom recognized Commissioner Breen for his service on the Board and with SMART, noting this was his last meeting. Chair Kinsey echoed her sentiments. Staff announced a future reception for Commissioner Breen, likely in February.

Andy Peri commended Commissioner Breen as well. He also encouraged TAM to do what it can to ensure that the Central Marin Ferry Connection Project continues to move forward, as it will ultimately provide a clean, direct and obstacle-free route for cyclists to get from the train to the ferry. He also requested an update on the project be given at a future Board meeting.

By Order of Chair Kinsey, the TAM meeting adjourned at 10:25 p.m.

Approved on:

  
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